



PLANNING COMMISSION STAFF REPORT JANUARY 26, 2012

Project:	GATEWAY BOULEVARD STREET AND EASEMENT VACATION (PLN2012-00086)
Proposal:	To consider a General Plan Conformity Finding for a Proposed General Street and Easement Vacation of 1.45 acres of land, and for the disposition of City-owned property totaling 0.58 acres, both located at the easterly terminus of Gateway Boulevard, at Lakeview Boulevard, in the Bayside Industrial Community Plan Area. .
Recommendation:	Find that the Street & Easement Vacation and land disposition conforms to the City's General Plan and Recommend to City Council
Location:	Easterly terminus of Gateway Boulevard east of Lakeview Boulevard in the Bayside Industrial Community Plan Area. (See aerial photo next page)
Area:	1.45 acre Street and Easement Vacation and 0.58-acre disposition of land, totaling 2.03 acres
People:	Peery Arrillaga, Applicant and Property Owners Ken Olcott of Sandis, Agent of Applicant Terry Wong, Staff Planner (510) 494-4456; twong@fremont.gov
Environmental Review:	The General Plan conformity Finding is not a project as defined by CEQA. The future transfer of excess right-of-way property to an adjacent parcel owner for a future industrial use will be exempt from CEQA review per Section 15061 (b) (3) because the project has no potential for causing a significant effect on the environment.
General Plan:	Industrial-Tech
Zoning:	I-R, Industrial-Restricted

EXECUTIVE SUMMARY

The proposed Planning Commission action consists of a General Plan conformity finding for a future street and easement vacation of approximately 1.45 acres to be reviewed by the City Council. The proposal also includes a 0.58 acre disposition of land located at the easterly terminus of Gateway Boulevard, parallel to Interstate 880, a portion of which was used for vehicular access to and from I-880, but is no longer needed. Government Code Section 65402(a) requires that prior to a street or easement vacation or acquiring/selling real property for any purpose, the planning agency of any city with an adopted General Plan must report that the street and easement vacation or acquisition/sale conforms to the General Plan. As described in this staff report, the proposal conforms to the Fremont General Plan. Staff recommends that the Planning Commission find the Street and Easement vacation and disposition of property conforms to the City's General Plan and recommend the proposal to City Council.



Figure 1: Aerial Photo (2009) of Project Site and Surrounding Area.



SURROUNDING LAND USES

North: Vacant Land, Hotel Beyond, I-R, Restricted Industrial

South: Vacant Land, Fire Station Beyond, I-R, Restricted Industrial

East: Interstate 880

West: Vacant Land with Industrial Buildings Beyond, I-R, Restricted Industrial

BACKGROUND AND PREVIOUS ACTIONS

In 2009, Caltrans completed a project that relocated I-880 vehicular access from Gateway Boulevard to a freeway overpass located at Warren Avenue approximately 0.40 mile to the north of the subject site. The Interstate 880 and Gateway Boulevard on- and off-ramps were closed by Caltrans. Under the terms of a settlement agreement between Peery Arrillaga (the owner of property located on either side of the easterly terminus of Gateway Boulevard), the City and other entities related to the impact of this closure on the value of property owned by Peery Arrillaga, the City agreed to recommend that the easterly terminus of Gateway Boulevard and related roadside easements be vacated and that adjacent City land located parallel to I-880 be conveyed to the applicant.

PROCEDURE FOR TONIGHT'S HEARING

At tonight's hearing, the Planning Commission is charged with completing the following task:

1. Consider a General Plan Conformity Finding for a proposed General Street and Easement Vacation of 1.45 acres of land and the disposition of 0.58 acres of City-owned land, both located at the easterly terminus of Gateway Boulevard, at Lakeview Boulevard.

PROJECT DESCRIPTION

The land designated for the proposed street and easement vacation totals approximately 1.45 acres, which is located at the easterly terminus of Gateway Boulevard. Additionally, the proposal includes approximately 0.58 acres of City property located parallel to I-880 to be conveyed to Peery Arrillaga. CalTrans previously owned this property and granted it to the City in June 2008. The adjacent parcels owned by the applicant are currently vacant and zoned for industrial tech uses.

PROJECT ANALYSIS

Legal Requirement for General Plan designation

As described, Government Code Section 65402(a) requires that prior to a street or easement vacation or acquiring/selling real property for any purpose, the planning agency of any city with an adopted General Plan must report that the street and easement vacation or acquisition/sale conforms to the General Plan.

General Plan Conformity

Staff recommends finding General Plan conformity based on the following. The General Plan land use designation for the various parcels is Industrial-Tech. The land to be vacated by the street and easement vacation area is no longer needed for freeway access, because the Gateway Boulevard freeway ramps have been closed to traffic since 2009, when a new freeway on-ramp at Warren Avenue was opened 0.40 miles to the north.

Policy 2-5.8 Industrial Land Use Compatibility

Achieve compatibility between industrial uses and adjacent land uses through the regulation of industrial activities, limits on operations, and standards for buffering. This is particularly important in Service Industrial areas, since they may be adjacent to commercial and residential uses.

Analysis - The easterly terminus of Gateway Boulevard is no longer necessary due to the relocation of the I-880 on and off ramps to Warren Avenue. Uses allowed under the Restricted Industrial zoning district will occupy the site in the future and complete block. The inclusion of these lands as city-regulated property allows for integrated development with surrounding lands.

Policy 2-5.9 Optimizing the Use of Industrial Land

Encourage more efficient and productive use of underutilized industrial land. Industrial land should be recognized as a limited resource that must be carefully managed to accommodate projected job growth and market needs.

Analysis – The subject property is currently designated Industrial-Tech within the City’s General Plan. Because the subject land will be divided amongst the two adjacent parcels, the future use of the subject land will be those that are allowed under the Restricted Industrial zoning designation. The use of the land for industrial purposes, will better utilize the property, because a street is no longer necessary. The inclusion of this additional 2.03 acres into the City’s industrial developable land base will also help with future job growth within the City.

Policy 3-1.1: Complete Streets

Design major streets to balance the needs of automobiles with the needs of pedestrians, bicyclists and transit users. Over time, all of Fremont’s corridors should evolve into multi-modal streets that offer safe and attractive choices among different travel modes.

Analysis – The existing public sidewalk will continue across the new easterly terminus of gateway Boulevard across Lakeview Boulevard; therefore completing the street.

Policy 3-3.3: Street Connectivity

Promote connectivity in the street network. Except where necessitated by topography, the use of dead-ends and cul-de-sacs shall be minimized, and the extension or preservation of a grid street pattern shall be encouraged. Additional street network connectivity should be created and exiting gaps in the road, bike and pedestrian networks should be closed.

Analysis – The street and easement vacation, and land disposition will eliminated the need for a cul-de-sac and also provide the continuation of the existing pedestrian sidewalk located along Lakeview Boulevard.

ENVIRONMENTAL REVIEW

The General Plan conformity Finding is not a project as defined by CEQA. The future transfer of excess right-of-way property to an adjacent parcel owner for a future industrial use will be exempt from CEQA review per Section 15061 (b) (3) because the project has no potential for causing a significant effect on the environment.

PUBLIC NOTICE AND COMMENT

A public notice is not required; however, a display ad was published by *The Argus* on January 10, 2012. A total of 8 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on January 13, 2012. A Public Hearing Notice was published by *The Argus* on January 10, 2012.

ENCLOSURES

Exhibit:

[Exhibit "A" - Proposed General Street and Easement Vacation and Land Disposition](#)

RECOMMENDATION

1. Recommend to City Council that PLN2012-00086 being a proposed General Street and Easement Vacation of approximately 1.45 acres and disposition of approximately 0.58 acres of land located at the easterly terminus of Gateway Boulevard in the Bayside Industrial Community Plan Area, between Lakeview Boulevard and I-880 for future industrial tech uses, as described on Exhibit "A" is in conformance with the Fremont General Plan.